

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:
EVELYN PEREZ CORTES

CASE NO. 10-12368-ESL

CHAPTER 13

DEBTOR (S)

**TRUSTEE'S UNFAVORABLE REPORT
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.** Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$164,330.00 R2016 STM. \$3,000.00**

TOTAL ATTORNEYS FEES THRU PLAN: \$1,844.00 Fees paid: \$0.00 Fees Outstanding: \$1,844.00
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With respect to the proposed (amended) Plan dated: **February 16, 2011** (Dkt 20). Plan Base: **90,000.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Feasibility [§1325(a)(5)]: Plan fails to provide for an allowed secured claim.

Plan does not provide for secured claims filed by the CRIM in the amount of \$11,012.03 (Claim 1) and Reliable Financial Services in the amount of \$26,476.95 (Claim 8). Until this matter is resolved, sufficiency of plan cannot be determined.

- Debtor(s) fails to comply with Income Tax Return filing requirements of §1308. [§1325(a)(9)]

Debtor must submit evidence of filing Puerto Rico tax returns for 2006 and 2007.

- Debtor(s) has/have failed to comply with her/his/their duties as a Debtor(s), debtor(s) has/have failed to provide documents and/or information requested at the meeting of creditors, impairing the Trustee duties performance under the Code. [11 USC §521 & §1302(b)]

Debtor has failed to submit copies of the business licences (patentes) for both her businesses, and a copy of her pre-nuptial agreement.

- Other/Comments

The Trustee has filed a motion to dismiss in light of Debtor's failure to submit the documents requested in the creditors' meeting, which was held on June 7, 2011 (Docket 37).

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this October 12, 2011.

/s/ Alexandra Rodriguez -Staff Attorney

JOSE R. CARRION

ARD

CHAPTER 13 TRUSTEE
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